

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming  
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates to:

**PLAINTIFF,**

***JONATHAN HURLEY v. 3M Company,***  
***et al;*** Case No. 17-cv-04169

**DECLARATION OF ALFRED A. OLINDE, JR. IN SUPPORT OF PLAINTIFF'S  
RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Alfred A. Olinde, Jr, declare as follows:

1. I am an attorney at The Olinde Firm, LLC and Counsel for Jonathan Hurley in the above-captioned matter.
2. I submit this affidavit in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1317] filed on July 3, 2018.
3. In November of 2015, Jonathan Hurley contacted undersigned counsel regarding an infection and subsequent treatment that he experienced due to the use of a Bair Hugger patient warming device during an orthopedic surgery.
4. Counsel worked to obtain medical records and billing records to move forward with the case. Those records indicated that a Bair Hugger device was used during the original surgery.
5. On September 7<sup>th</sup> 2017, counsel filed the current action to comply with what was identified as the applicable statute of limitations deadline for the relevant claim.
6. On November 30, 2017, Plaintiff served his fact sheet upon Defendants, a current copy of which is attached as exhibit "one".
7. On December 28, 2017, Defendants sent counsel for Plaintiff a deficiency letter stating certain sections of the fact sheet were "incomplete", a copy of which is attached as exhibit "two".
8. On January 18, 2018, Plaintiff amended his Fact Sheet and sent notice to defense counsel by way of correspondence via email and U.S. mail that the fact sheet had been

amended to satisfy Defendants' concerns, a copy of said correspondence is attached as exhibit "three".

9. On February, 14, 2018, Defendants sent the exact same letter to Plaintiff's counsel, again stating that certain sections of the fact sheet were "incomplete", a copy of which is attached as exhibit "four".

10. On March 7, 2018, Counsel amended Mr. Hurley's Plaintiff Fact Sheet, and sent notice to defense counsel by way of correspondence via email and U.S. mail that the fact sheet had been amended to satisfy Defendants' concerns, a copy of which is attached as exhibit "five".

11. On April 2, 2018, Counsel for defendants again sent correspondence alleging that certain sections of the fact sheet were "incomplete", a copy of which is attached as exhibit "six"

12. Plaintiff's counsel spoke with Jonathan Hurley who stated that he now lives in Thailand with his wife and served two and one-half tours in Vietnam in the air force as a radar technician for the F-4 Phantom and that he has been diagnosed with Post Traumatic Stress Disorder.

13. Plaintiff further stated he will be returning to the United States early to mid-August of 2018 where he will attempt to supply the technical details of phone numbers for pharmacies, etc...

Pursuant to 28 U.S.C. (insert section) 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 11, 2018

s/Alfred A Olinde, Jr.  
Alfred A. Olinde, Jr.